

## **REMARKS**

### **1. Introduction**

In the Office Action mailed June 30, 2005, the Examiner rejected claims 1-5, 9-15, 18, 33, 34, 37-43, 46-60, 63-66, 68, 70, 71, and 74-78 under 35 U.S.C. § 103(a) as being unpatentable over Criss et al., U.S. Pub. No. 2001/0029178 ("Criss") in view of Wecker et al., U.S. Patent No. 6,311,058 ("Wecker") and Fillebrown et al., U.S. Pub. No. 2004/0204041 ("Fillebrown").

The Examiner rejected claims 6, 7, 35, 36, 61, 62, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and in further view of Fillebrown.

The Examiner rejected claims 16 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and Fillebrown and in further view of Gombrich, U.S. Patent No. 4,916,441 ("Gombrich").

The Examiner rejected claims 17 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and Fillebrown and in further view of Shimura, U.S. Patent No. 5,754,624 ("Shimura").

The Examiner rejected claims 19-21, 67, and 69 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and Fillebrown and in further view of Ausems et al., U.S. Patent No. 6,434,403 ("Ausems").

The Examiner rejected claims 22-25, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg, U.S. Patent No. 5,297,192 ("Gerszberg") and Fillebrown.

The Examiner rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and Fillebrown and in further view of Grewe.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and Fillebrown and in further view to Shimura.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and Fillebrown and in further view of Gombrich.

The Examiner indicated that claims 8, 28, 79, and 80 contained allowable subject matter but objected to these claims as being dependent upon rejected base claims.

For the reasons set forth below, Applicants respectfully request reconsideration and allowance of the claims.

## **2. Statement of Substance of Interview**

Applicants thank the Examiner for scheduling the telephonic interview conducted on November 16, 2005. The participants in the interview were Richard A. Machonkin, on behalf of Applicants, and Examiner Keith Ferguson. During the interview, the Fillebrown reference was discussed, with reference to the claims that were rejected based on Fillebrown.

The general thrust of Applicants' argument was that Fillebrown does not constitute prior art because the passage in paragraph 61 of the published application, on which the Examiner relied, is not supported by the Fillebrown provisional application. The Examiner agreed, noting that the "application server" in Figure 1 of the provisional application is a PC rather than a laptop or handheld computer. Thus, the Examiner agreed that he could not use Fillebrown as prior art.

3. **Response to Claim Rejections**

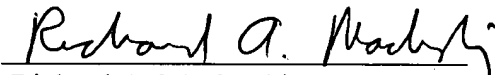
All of the Examiner's claim rejections rely on Fillebrown. However, as the Fillebrown application was filed on February 1, 2001 (after the August 31, 2000 filing date of the present application) and claims priority on a provisional application filed on June 16, 2000, Fillebrown can be used as prior art only "if the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph." MPEP § 2136.03(III). The Examiner has now agreed that the provisional application does not support the subject matter relied upon in the Examiner's claim rejections, and the Examiner has agreed that Fillebrown cannot be used as prior art. As a result, none of the Examiner's claim rejections can be maintained.

Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

Dated: November 30, 2005

By:



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